

### REMARKS

The Examiner has responded to the applicants' arguments as non-persuasive. The Examiner has responded by quoting *In re Fine*, 837 F.2d 1071, that motivation, teaching or suggestion or that the knowledge is generally available to one of ordinary skill in the art is adequate.

The motivation to combine six (6) references is found in the knowledge generally available to one of ordinary skill in the art. The Examiner quotes from *In re Scheckler* 58 CCPA 936 (1971). "It is not necessary that the references actually suggest expressly in so many words, changes or possible improvements, all that is required is that the invention was made by applying knowledge clearly present in the prior art."

However, applicant cites *Ex Parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993) that a statement that modifications of the prior art to meet the claimed invention would have been "well within the ordinary skill of the art at the time the claimed invention was made" because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references. See also *Al-Site Corp. v. VSI Int'l Inc.*, 174 F.3d 1308, 50 USPQ2d 1161 (Fed. Cir. 1999) (The level of skill in the art cannot be relied upon to provide the suggestion to combine references).

These cases clearly limit the older references as to what can be utilized to provide the suggestions to combine the references. Also, the prior art in five (5) of the six (6) patents

utilized by the Examiner are in pertinent art, the sixth patent relates to production control systems for factories, not closely related as suggesting the desirability of the combination.


Applicant submits that the application as now presented is believed in condition for allowance and action to that request is respectfully requested.

Should there be any necessary fees, please charge to our deposit account #04-1644 and please notify us in doing so.

Respectfully submitted,

FIDLAR AND CHAMBERS,

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